



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on November 24 , 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-99-5286

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of: **Federal Express Corporation** filed **10/26/1999** for:

XX Waiver from 90-day dormancy condition:

By Notice of Action Taken dated May 4, 1999, in Docket OST-99-5286, the Department allocated Federal Express twelve (12) all-cargo Russia overflight frequencies to operate services between Paris, France, and Subic Bay, Philippines, via Tashkent, subject to our standard 90-day dormancy condition. That award is subject to the condition that it will expire automatically and the frequencies will revert to the Department for reallocation if they are not used for a period of 90 days. Under the terms of the award, the frequencies would revert automatically to the Department on December 31, 1999, unless Federal Express began service by that date (Federal Express had proposed to begin service on October 1, 1999). Federal Express seeks a waiver of the 90-day dormancy condition until September 1, 2000, stating that it does not now anticipate inauguration of its planned inter-hub line-haul flights for which the overflights would be used until September 1, 2000.

No answers to the application were filed.

Applicant rep: **Nathaniel P. Breed, Jr. (202) 663-8078** DOT Analyst: **Michael D. Bodman (202) 366-9667**

DISPOSITION

XX Granted, subject to conditions (see below).

The above action was effective when taken: **November 24, 1999**, through **September 1, 2000**.¹

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

(See next page)

¹ Federal Express's waiver from the dormancy condition is effective until September 1, 2000, or until the date on which Federal Express begins service with these frequencies, whichever occurs earlier. Once the waiver ceases to be effective, the 90-day dormancy condition applies from that point forward.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR § 385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*